

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, February 3, 2006
(9:15 am - 12:30 pm and 1:00pm - 5:00 pm)

State Bar of California
1149 So. Hill Street, Room 723
Los Angeles, CA 90015

[NOTE RE MEETING SITE: For members of the public, the open session of this meeting also can be accessed by video-conference from the State Bar Office in San Francisco at 180 Howard Street, Room 8B. Members of the public who wish to attend this meeting at either site are asked to call Audrey Hollins at 415-538-2167.]

[Chair's note re discussion of action items: Only matters raised by the drafting team, or in an email message sent out no later than January 31, 2006, will be considered at the meeting and, absent a language issue raised by the drafting team or in a timely email message, the language recommended by the drafting team may be deemed approved.]

I. APPROVAL OF OPEN SESSION ACTION SUMMARIES FROM THE DECEMBER 2, 2005 and OCTOBER 28-29, 2005 MEETINGS

(Draft action summaries to be circulated prior to the February meeting.)

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. **MATTERS FOR ACTION** (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

All
Members

- A. **Consideration of a Methodology for Seeking Official Public Comment**
[anticipated ½ hour discussion]
(Please refer to materials distributed at December 2, 2005 meeting. If you need a copy, contact staff.)
- *Ruvolo
Julien
SeLegue
- B. **Consideration of Rule 3-500 [ABA MR 1.4] Communication; and Consideration of Rule 3-510 [ABA MR 1.2(a)] Communication of Settlement Offer**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 1 – 16]**
- *Sapiro
Melchior
Martinez
- C. **Consideration of Rule 2-300 [ABA MR 1.17] Sale or Purchase of a Law Practice of a Member, Living or Deceased**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 17 – 50]**
- *Lamport
Tuft
Voogd
- D. **Consideration of Rule 1.8.1 (Rule 3-300). Avoiding Interests Adverse to a Client**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 51 – 66]**
- *Foy
Julien
Peck
- E. **Report on the Board Referral of Trust and Estates Section Legislative Proposal 2005-02 (re Impaired Clients) [ABA MR 1.14].**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 67 – 72]**

*SeLeague
Kehr
Melchior

- F. Consideration of Rule 3-310 [ABA MR 1.7, 1.8, 1.9, 1.10, 1.11]
Avoiding the Representation of Adverse Interests**
[anticipated 1 ½ hour discussion]
(Materials enclosed.) **[pages 73 – 92]**

*Voogd
Tuft
Ruvolo

- G. Consideration of ABA MR 3.2. Expediting Litigation**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 93 – 124]**

*Vapnek
Julien
Voogd

- H. Consideration of Rules 1-320(B) and 2-200(B) re
Compensation/Rewards for Recommendations Resulting in
Employment**
[anticipated 1 hour discussion]
(Materials to be circulated prior to meeting.)

*Kehr
SeLeague
Foy
Melchior

- I. Consideration of Rule 3-700 [ABA MR 1.16] Termination of
Employment**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 125 – 140]**

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

CLOSED SESSION AGENDA*

Friday, February 3, 2006
(9:00 am - 9:15 am)

State Bar of California
1149 So. Hill Street, Room 723
Los Angeles, CA 90015

- I. **APPROVAL OF CLOSED SESSION ACTION SUMMARIES FROM THE
DECEMBER 2, 2005 and OCTOBER 28-29, 2005 MEETINGS**
(Draft action summaries to be circulated prior to the February meeting.)
- II. **ADVICE OF COUNSEL ON OPEN SESSION AGENDA ITEMS**
- III. **ACTION ITEMS.**
 - A. **Emergency action items, if any.**

* Closed pursuant to Article 3, Section 2, Subdivision (b), Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors.